

U.S. Department of Justice



*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 15, 2020

By ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Joseph Galdieri, Sr. and Joseph Galdieri, Jr., 19 CR 757 (JMF)*

Dear Judge Furman,

The Government respectfully submits this letter on behalf of the parties in response to the Order of the Court dated October 13, 2020. Since the Order of the Court dated August 26, 2020, which adjourned this case in contemplation of the parties discussing the possibility of a pre-trial disposition after the defendants had advised that they did not intend to file any motions, the Government has participated on multiple occasions in such discussions with both defendants. Although those discussions have progressed materially, they remain ongoing, in part due to pending litigation before the Second Circuit bearing on what constitutes a “crime of violence” within the meaning of provisions within the United States Sentencing Guidelines that are relevant here. For this reason and in light of the time that remains before it is possible to schedule a date for trial in or about the first quarter of 2021 or thereafter, the parties respectfully request leave to continue their discussions of a pre-trial disposition and an adjournment of the conference scheduled for October 26, 2020 for approximately one month. With the consent of the defendants, the Government also respectfully requests that the Court exclude time under the Speedy Trial Act from today through the date of any granted adjournment of the conference pursuant to 18 U.S.C. § 3161(h)(7) on the basis that the interests of the defendants and the public in a speedy trial are outweighed here by the ends of justice served by allowing the defendants to consider further the

possibility of a pre-trial disposition, particularly amidst the circumstances of the ongoing national emergency declared in response to the coronavirus pandemic.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: Thomas John Wright
Thomas John Wright
Assistant United States Attorney
(212) 637-2295

Enclosure: Proposed Order

cc: Amy Gallicchio, Esq. (Counsel to Defendant Joseph Galdieri, Sr.) (by ECF)
Inga L. Parsons, Esq. (Counsel to Defendant Joseph Galdieri, Jr.) (by ECF)

The deadline for the Court to "put in" for a trial in the first quarter of 2021 is November 15, 2020. Accordingly, if the case is adjourned for one month, it would preclude setting trial for the first quarter of 2021. Accordingly, unless and until the Court orders otherwise, the parties shall appear for a conference on November 9, 2020, at 4 p.m. Counsel shall confer and, no later than October 21, 2020, file a joint letter advising the Court: (1) if all parties agree that trial should not be scheduled for the first quarter of 2021, in which case the Court will adjourn the conference to late November or early December (unless the parties believe a longer adjournment would be warranted, in which case they should say so); and (2) if the November 9th conference is held, whether it should be held in person or remotely and whether the Defendants would be able to participate in a remote videoconference (presumably using Skype for Business). The Court excludes time under the Speedy Trial Act between today and November 9, 2020, finding that the interests in excluding that time outweigh the interests of the Defendants and the public in a speedy trial because it will enable counsel and the Defendants to discuss and decide how to proceed given the current public health emergency. The Clerk of Court is directed to terminate ECF No. 69. SO ORDERED.



October 16, 2020